

REMARKS

Rejection Under 35 U.S.C. Section 112 (Examiner's Paragraph 2)

In paragraph 2 of the Office Action, the Examiner has rejected claims 6 under 35 U.S.C. Section 112. In response thereto, applicant has amended the claim to overcome this rejection. Specifically, applicant has amended claim 6 to provide antecedent basis for "the attachment member". Applicant has amended the language to state that "an attachment assembly having a sail portion" is indicated, as opposed to --the attachment member-- as set forth in original claim 6. It is respectfully submitted that, with this correction, the 35 U.S.C. Section 112 Rejection has been overcome. Applicant kindly thanks the Examiner for noting this error in the claim.

Rejection under 35 U.S.C. Section 102 (Examiner's Paragraphs 3 & 4)

In paragraphs 3 and 4 of the Office Action, the Examiner has rejected the subject application under 35 U.S.C. Section 102(b). The Examiner has rejected claims 1 and 6 under Boddy. Applicant has amended claim 1 by adding that the folding mechanism maintains the mirror in the forward direction. It is respectfully submitted that each and every item of claim 1 has not been found in the Boddy reference.

Specifically, Boddy discloses a rearview mirror assembly having a fixed support structure and a moveable mirror housing structure. Boddy discloses a spring-biased mounting assembly that moves the mirror housing in a forward direction in response to an unwanted forwardly directed force. Upon release of this unwanted forwardly force, the spring-biased mounting assembly returns the mirror housing to its normal operative position. Boddy does not disclose a mounting assembly that maintains the mirror housing in the forward direction without the presence of the unwanted forwardly directed force.

In the present invention, the mirror assembly includes a folding mechanism that rotates the mirror housing to a forward position and maintains the mirror assembly in that forward position until release is directed by the operator. It is respectfully submitted that in view of the above remarks the Boddy patent does not specifically set forth each and every feature of claim 1 as amended and, therefore, the claim is allowable over the Boddy 35 U.S.C. Section 102(b) rejection. Because claim 6 depends from claim 1, it is respectfully submitted that it has each and every limitation of claim 1 and, likewise, is not anticipated by the Boddy patent as set forth above.

Furthermore, the Boddy patent teaches away from a mirror assembly having a folding mechanism for maintaining the mirror housing in a forward position and therefore claim 1 is not obvious. The Boddy reference specifically teaches the mirror housing returning to its normal operative position upon release of the unwanted forwardly directed force. Accordingly, by teaching a spring-actuated automatic return, the Boddy patent teaches away from the folding mechanism of the present invention and claim 1 is, therefore, not obvious.

Rejection under 35 U.S.C. Section 103 (Examiner's Paragraphs 5 & 6)

The Examiner, in paragraphs 5 and 6, has rejected claim 10 over Boddy '391 in view of Hoek '743. Applicant respectfully requests that the Examiner reconsider the rejection in view of the remarks set forth above and further in view of the following.

Claim 10, thru its dependency, includes each of the limitations of claims 1 and 6. As described above, the Boddy patent specifically teaches away from a mirror assembly having a folding mechanism for maintaining a mirror housing in a forward position. Accordingly, the additional limitation of a speaker or microphone as described in claim 10 is also not obvious in view of Boddy or Hoek.

Additionally, the Hoek patent does not teach or suggest the use of a speaker or microphone in a sail of the mirror assembly. Specifically, the Hoek patent describes a list of items, including a speaker or microphone, that may be incorporated into a mirror subassembly or housing. The Hoek patent does not teach the use of a speaker or microphone in the sail portion that attaches the mirror housing to the exterior of a vehicle. Accordingly, claim 10 is not obvious in view of Boddy or Hoek.

In view of the remarks set forth above, the Applicant respectfully requests that the Examiner reconsider the rejection.

Conclusion

It is respectfully submitted that the claims, as amended, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, applicant submits that the pending claims are allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Please send all future correspondence relating to this application to Warn, Burgess & Hoffmann, P.C., P.O. Box 70098, Rochester Hills, MI 48307.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification

On Page 5, the fourth Paragraph has been substituted as follows:

Reflective element 16 is preferably fixedly but removably coupled to the reflective element adjusting means, and as such is selectively positionable relative to housing 30. In the preferred embodiments of the present invention, reflective element 16 is fabricated from mirror glass which₁ may be heated and/or may include other characteristics such as electrochromic properties and hydrophobic or hydrophilic coatings. Reflective element 16 may also be constructed in a manner₁ which permits it to be readily removed from the reflective element adjusting means for servicing of mirror assembly 10₁ and/or [and] replacement of reflective element 16.

In the Claims

Claim 1. (Amended) An exterior mirror for a vehicle comprising:

a mirror housing assembly including a reflective element normally facing in a direction for viewing rearward; and

a first folding mechanism which provides for folding [of] and maintaining the mirror in a forward direction for reducing the overall width dimension of the vehicle.

Claim 6. (Amended) The mirror of claim 1 [wherein the] including an attachment [member is] assembly having a sail portion for attaching the mirror housing to the exterior of the vehicle.